

Application No.: 10/596,590
Filing Date: June 16, 2006

REMARKS

Claims 25 and 26 have been added. Support for the new claims can be seen in the specification (page 13, line 27 – page 14, line 9), for example. Thus, no new matter has been added. Applicants respectfully request entry of the amendments and reconsideration of the application in view of the amendments and following remarks.

Claim Rejections – 35 USC §103

Claims 1, 4, and 20-22 have been rejected under 35 USC §103 as being unpatentable over Storow et al (US 3,069, 375) in view of Swarup et al ((US 5,506, 325). In the previous amendment, Applicants presented a clear difference between neutral silica sol and colloidal silica and submitted a evaluation result of the bleed-out resistance along with a Declaration under 37 C.F.R. § 1.132. However, the Examiner disregards the data, since Storow et al use colloidal silica with pH of 8.4, while Comparative Example in the evaluation uses colloidal silica with pH of 9.5, which is not the closest prior art of Storow et al.

Therefore, a new evaluation result is submitted herewith in a Second Declaration under 37 C.F.R. § 1.132. The pHs of the colloidal silica used in the new experiments were 4.5, 7.0, and 8.0, and all Comparative Examples indicates poor results for pollution resistance to rain streaking and efflorescence resistance. Thus, a composition with colloidal silica shows the poor characteristics in wide range of the pH. Thus, the use of the claimed neutral silica with pH of 5 to 7.8 and electrical conductivity of 1.0 mS/cm or less exhibits unexpectedly superior results over the prior art.

As described above, the result achieved by the present claimed invention are unexpected over these achieved by the prior art. Accordingly, Applicants respectfully request withdrawal of the rejection.

Claim Rejections – 35 USC §103

Claim 2 has been rejected under 35 USC §103 as being unpatentable over Storow et al in view of Swarup et al and further in view of Kano.

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Claim 2 depends from Claim 1. And as discussed above, the Claim 1 includes a novel feature, neutral silica sol, which creates unexpected results. Also, Kano does not disclose the neutral silica sol recited in claim 1. Thus, even if Storrows and Kano combined, the combination can not lead to claim 1. The Claim 2 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC § 103

Claims 3 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Storrows et al (US 3,069,375) in view of Kano (US 5,891,948) and Gagliardi et al. (US 5,961,674).

Claim 3 depends from Claim 1, and as discussed above, the Claim 1 includes a novel feature, neutral silica gel, which creates unexpected results. Also, Gagliardi et al. does not disclose the use of the neutral silica sol recited in Claim 1. Thus, even if Storrows, Kano and Gagliardi et al. combined, the combination can not lead to claim 1. The Claim 3 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC § 103

Claims 1 and 20-24 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Storrows et al in view of Inagaki et al (US 4,427, 823)

Claims 20-24 depend from Claim 1, and as discussed above, the Claim 1 includes novel feature which create unexpected results. Also, Inagakiet al. does not disclose the use of the neutral silica sol recited in Claim 1. Thus, even if Storrows, and Inagaki et al. combined, the combination can not lead to claim 1. The Claim 1 and the dependent claims can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Rejection Under 35 USC § 103

Claims 1, 4 and 20-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Weinberger et al (US 6,008,291) and Swarup et al

Claims 4 and 20-22 depend from Claim 1, and as discussed above, the Claim 1 includes novel feature, neutral silica sol, which creates unexpected results. Also, Weinberger et al does

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not disclose the use of the neutral silica sol recited in Claim 1. Thus, even if Weinberger et al and Swarup et al. combined, the combination can not lead to claim 1. The Claim 1 and the dependent claims can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claim 2 has been rejected under 35 USC. §103 as being unpatentable over Weinberger and Swarup et al and further in view of Kano.

Claim 2 depends from Claim 1. And as discussed above, the Claim 1 includes novel feature, neutral silica sol, which creates unexpected results. The cited references do not disclose the neutral silica sol recited in claim 1. Thus, even if the references are combined, the combination can not lead to claim 1. The Claim 2 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

Claim Rejections – 35 USC §103

Claim 3 has been rejected under 35 USC. §103 as being unpatentable over Weinberger and Swarup et al and further in view of Kano and Gagliardi et al..

Claim 3 depends from Claim 1. And as discussed above, the Claim 1 includes novel feature, neutral silica sol, which creates unexpected results. The cited references do not disclose the neutral silica sol recited in claim 1. Thus, even if the references are combined, the combination can not lead to claim 1. The Claim 3 can not be rejected on this ground. Applicant respectfully requests withdrawal of this rejection.

CONCLUSION

In the light of the applicant's amendments to the claims and the following Remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns which might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

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No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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